

ADMINISTRATIVE PROCEDURES FOR IMPLEMENTING

Resolution/Ordinance# for Floodplain Management

For

(Community Name)

I. Duties of the Floodplain Administrator

Duties of the _____, designated as the Floodplain Administrator in the above referenced ordinance(s):

- ◆ Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this resolution have been satisfied;
- ◆ Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- ◆ Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- ◆ Issue floodplain development permits for all approved applications;
- ◆ Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- ◆ Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed; and
- ◆ When flood proofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

II. Floodplain Development Permitting System

A. Submittal of Floodplain Development Permit Application

- ◆ Floodplain Development Permits are turned in to the Floodplain Manager in the _____.
Building/Room
- ◆ The fee for a Floodplain Development Permit is \$_____ as established by the governing body of _____.
(Or “There is no fee for a Floodplain Development Permit.”)
- ◆ The numbering system for Floodplain Development Permits shall be as follows. First are the letters “FD” designating floodplain development. The next four digits are the year the permit is issued. The following numbers shall be a number assigned in order as each permit is issued beginning with 001. ***(This is a suggested numbering system. Write in your own numbering system if you already have one.)***
- ◆ Floodplain Development Permits may need to be accompanied by the following documents: building plans, an elevation certificate, encroachment survey, a site map showing the location of the proposed development, non-residential floodproofing certificate, a FIRMette, no-rise certification, building permits, sanitation permit, and copies of any required state and federal permits. For some minor projects there will not be any additional documents. The required documentation will be determined for each individual permit. ***(Add or remove items from this list.)***

B. Reviewing the Floodplain Development Permit Application

- ◆ During the review of Floodplain Development Permit the property will be found and checked on flood maps. It will be determined which flood zone the property is located in. It will also be determined if the property is a floodway. A FIRMette or a GIS map of the area will be made. The development site will be marked on the map.

C. Review documentation for compliance with technical requirements of community's floodplain management ordinance:

- ◆ The Floodplain Manager will review documents such as Floodplain Development Permits or Elevation Certificates for accuracy. If the Floodplain Manager is absent a preliminary review will be conducted by the _____.
(Designate an individual or a department who assists when the Floodplain Manager is away from the office.) In the event the _____ ***(same as previous blank)*** or the Floodplain Manager require technical assistance they will

consult with _____. *(In some cases this would be a person like the City Engineer. Division of Water Resources can answer some questions also.)*

D. Review of engineering documents

- ◆ Copies of Engineering Documents may be sent to the _____ *(City Engineer as an example)* using the _____ *(inter-office mail system, postal mail, email)* for review.
- ◆ Examples of engineering documents linked to NFIP requirements are hydrologic and hydraulic calculations, loading calculations and methods of construction relative to floodproofing, alternative designs for openings below lowest floor, and design and methods of construction for breakaway walls exceeding SOP loading resistance of 20 pounds per square foot.

E. Approval or denial of a floodplain development permit application:

- ◆ **Approval** – The approved permit is signed by the Floodplain Manager. A copy is provided upon request to the applicant.
- ◆ **Conditional Approval** – If a permit receives conditional approval the reasons will be noted on a separate sheet of paper attached to the permit. Reason for conditional approval could be waiting for a finished construction elevation certificate.
- ◆ **Denial** – If a permit is denied the reasons for denial will be noted on a separate piece of paper and attached to the permit form. The applicant will be notified in writing and given a copy of the reasons for denial.

III. Inspection Process

A. Inspection One

- ◆ _____

(Use this section to describe how building inspections are done in your community. If your community does not have building inspectors then state that here. If your community has building inspectors who inspect a project before it begins and after final completion then describe that process here.)

B. Inspection Two

- ◆ _____
(If multiple inspections are not done then delete Inspection Two.)

IV. Enforcement Actions

- ◆ When a violation is identified the property owner will be sent a certified letter that identifies the problem and establishes a time line for correction. A copy of the receipt for the letter will be kept on file with a copy of the letter. Additional copies of the letter will be sent to _____ (**Mayor or City Attorney**) and Division of Water Resources.
- ◆ The first step in resolving a violation involves a meeting with the property owner. In some cases violations could be resolved by removal of material stored in flood area, the property owner applies for the proper permits, the property owner consults with an engineer or land surveyor, or a finished elevation certificate is provided by the property owner to the Floodplain Manager. Each violation will be handled on a case-by-case basis. If the property owner refuses to cooperate or the violation continues there are enforcement procedures in ordinance _____. (**Resolution or ordinance number from top line.**)
- ◆ When a successful resolution can be agreed on the Floodplain Manager will verify it through either review of documents or a site visit.

V. Variances

- ◆ A Variance Request Form is completed when requesting a variance.
- ◆ The _____ Appeals Board will hear requests for a variance. The fee for requesting a variance is \$ _____. Applicants requesting a variance must notify the Floodplain Manager _____ days before the next meeting of the Appeals Board. The person requesting the variance must provide documents to the Floodplain Manager _____ days before the Appeals Board meeting. Supporting documents for a variance to the permitting requirements should be in accordance with Article ____ of Ordinance _____.
- ◆ A variance may be granted by a majority vote of the _____ Appeals Board.
- ◆ The applicant will be notified of the variance by certified mail. A copy of the letter will be maintained in the Floodplain Manager's office at _____ (**City Hall, County Courthouse, etc...**). The following information will be contained in the letter when a variance is granted. "A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance."

A numbering system for variances will be similar to the system for permits. The letters FV for floodplain variance, followed by four digits for the year, and a three digit numerical value beginning with 001.

VI. Record Keeping System

- ◆ Floodplain Development Permits will be filed in the Floodplain Manager's office (***or records room, city clerk's files, etc...***) in the _____ (***County Courthouse, Public Works, Sheriff's office, etc...***). The Floodplain Manager will be responsible for maintaining records of Floodplain Development Permits as well as Elevation Certificates, LOMAs, and Non-Residential Floodproofing Certificates.
- ◆ Blank forms are available on request from the Floodplain Manager in the _____. Forms can be sent on request by fax or regular mail. The Floodplain Development Form is available on the web site _____ to be downloaded. (***If no web site delete.***)

VII. Map Appeals and Revisions

- ◆ A copy of each LOMA/LOMR must be filed with the official community floodplain map (FIRM/FHBM/FBFM/FIS). This activity will be coordinated with the _____ Mapping Department. (***If there is no mapping department delete previous sentence.***) Notification to the landowner is not required in those cases where a LOMA was granted at the landowner's request.
- ◆ FEMA flood maps are available for review at _____ in the Floodplain Manager's office. Flood maps can be viewed on the internet at www.msc.fema.gov.
- ◆ Any other sources for determining flood data will be stored in either the Floodplain Manager's office or with the _____ Mapping Department. (***If there is a mapping/GIS department.***)

VIII. Biennial Reports

- ◆ The floodplain administrator is responsible for completing, signing and submitting the FEMA biennial report. To complete the biennial report information about building permits will be needed from the _____ (***Building Inspections, Zoning, or City Clerk***) , about farm structures from the County Appraiser, about population from the Census, and about location of structures from the Mapping Department. Copies of the Biennial Reports will be kept in the Floodplain Manager's office at _____ (***Name of Building or Address.***)

IX. Investigate Complaints

- ◆ A complaint about an issue in the floodplain can be made to the Floodplain Manager. If the Floodplain Manager is not available notify the _____. (***Usually same as designated in II.C above.***) Complaint Forms are available to be completed with as much information as possible.
- ◆ An investigation typically will involve a site visit. If possible a photo will be taken of the violation. A certified letter stating the complaint will be sent to the owner of record of the property where the violation is occurring. A file will be started. A similar system to variance and permits. In this case the first two letters will be FC for floodplain complaint. (***If there is already a system in place then describe that here.***) Copies of letters, photos, and other documents will be kept in the file. The Division of Water Resources will be notified about the complaint as well. In some cases a State permit may be required and in other cases simply to notify the NFIP Coordinator for State of Kansas.
- ◆ Complaint files will be kept in the Floodplain Manager's office. The Floodplain Manager's office is located at _____.

X. Certification of Adoption

These Administrative Procedures for Floodplain Management for the community of _____ shall be in full force and effect from and after this _____ day of _____, 20__.

Chief Executive Officer/Chief Elected Official (Signature)

Printed Name

Title

ATTEST:

Signature of Recording Clerk

Printed Name

Title

Place
Seal
Here

Appendices

A copy of the community's floodplain development permit, an elevation certificate, and other administrative forms listed in the administrative procedures (review checklists, variance requests, etc.) should be attached as appendices to these administrative procedures prior to adoption.

VARIANCE NO:

FLOODPLAIN VIOLATION REPORT

Date Received _____

Received By _____

Complainant
Address _____

Phone Number _____

Location of
Complaint _____

Description of
Complaint _____

Date(s)/Description
of Investigation _____

Resolution/Findings _____

FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION

Community Name:_____ Date:_____ Application #_____

TO THE ADMINISTRATOR: The undersigned hereby makes application for a permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such shall be done in accordance with the Floodplain Management Ordinance and applicable county/city ordinances and the State of Kansas requirements as contained in K.S.A. 12-766, and K.A.R. 5-44-1 through 5-44-6.

-----Section A-----

Name of Owner or Developer/Contractor or Builder Date

Address

Phone

-----Section B-----

Location Information Street Address:_____

Legal Description: _____

Other Locator: _____

-----Section C-----

Check One:

*New Construction Filling Other... (Describe) _____

*Substantial Improvement... Grading.....

Minimum Improvement Excavation... *Finished Elevation Certificates Required.

-----Section D-----

Description:_____

Value of Improvement (fair market): \$_____ Pre-Improved Value \$_____

-----Section E-----

FEMA Flood Map Panel Number_____ Effective Date _____ Zone_____

Is development in a floodway? Yes___ No___ If yes, is No-Rise Certification attached? Yes___ No___

-----Section F-----

Elevation: NGVD____ NAVD____ Elevation certificate attached to this application? Yes___ No___

Base Flood Elevation, BFE, at development site..... Feet

Elevation at development site..... Feet

**Elevation of lowest floor of residential development.... Feet

**Elevation of flood proofing for non-residential structure..... Feet

Source of elevation information _____

-----Section G-----

List required permits from other agencies. Attach copies.

Notice: Read Carefully. This permit is issued with the condition that the lowest floor (including basement) of any new or substantially-improved (over 50% current market value) residential structure will be elevated at least one (1) foot above the base flood elevation. If the proposed development is a non-residential structure, this permit is issued with the condition that the lowest floor (including basement) of any new or substantially improved non-residential structure will be elevated or floodproofed at least one (1) foot above the Base Flood Elevation. This permit is issued with the condition that the owner/developer will provide a FEMA elevation certificate completed by a licensed land surveyor or professional engineer certifying the “as-built” lowest floor elevation of any new or substantially improved structure covered by this permit.

Permit: Approved _____ **Denied** _____ **(attach explanation) Date:** _____

Signature Owner/Developer

Signature of Community Official

Print Name Owner/Developer

Print Name and Title Community Official

INSTRUCTIONS

Section A: Complete name and contact information of applicant. It is preferred that this be the information of the property owner. Circle owner or builder depending on applicant.

Section B: Complete information in this section describing location of the development. Space is provided for other locator such as parcel identification number or name of subdivision. For a long legal description the information could be attached separately and noted here. It is also suggested to attach a FIRMette of the location.

Section C: *For new construction and substantial improvements an elevation certificate is required. An elevation certificate based on construction drawings can be used at the start of construction. A finished construction elevation certificate is required when the project is complete. Minor projects may not require an elevation certificate. For example: a new culvert.

Section D: Describe the development. Is this a substantial improvement? Substantial improvement will require that the entire structure be brought up to current standards and that the lowest floor (including basement) be elevated one (1) foot above the base flood elevation.

Section E: Flood map information. For a project in a designated floodway a no-rise certificate is required. In an area of detailed study it must be determined that development will not cause more than one (1) foot of rise.

Section F: Specify if National Geodetic Vertical Datum of 1929 or North American Vertical Datum of 1988 was used for the elevation information in this section. **Lowest floor of a residential structure (including basement) and level of floodproofing for a non-residential structure must be one (1) foot above the base flood elevation. If a house has a basement the lowest floor is the floor of the basement. This information will be on an elevation certificate. There should be an elevation certificate for every post-FIRM structure. If other sources of elevation information were used please specify where that information came from. For certain types of projects the elevation information may not apply. For example: excavation of a borrow pit. In those situations use N/A in the blanks for elevation information.

Section G: The Kansas Department of Agriculture, Division of Water Resources requires permits for fill placed in floodplains. Permits are also required for levees, stream obstructions, and dams. Some minor projects are exempt based on the amount of fill, upstream drainage, or the size of the dam. US Army Corps of Engineers may require permits involving wetlands or projects that could alter the course of a navigable water way.